

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**May 2, 2002**

**IN RE:**

**APPROVAL OF THE AMENDMENT TO  
THE INTERCONNECTION AGREEMENT  
NEGOTIATED BY BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
BELL SOUTH MOBILITY, LLC D/B/A  
CINGULAR WIRELESS BELL SOUTH  
PERSONAL COMMUNICATIONS, LLC  
D/B/A CINGULAR WIRELESS PURSUANT  
TO SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996**

**DOCKET NO. 02-00120**

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**ORDER APPROVING AMENDMENT TO THE  
COMMERCIAL MOBILE RADIO SERVICES INTERCONNECTION AGREEMENT**

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*The Petition for Approval of the Amendment to the Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and BellSouth Mobility, LLC d/b/a Cingular Wireless BellSouth Personal Communications, LLC d/b/a Cingular Wireless Pursuant to the Telecommunications Act of 1996* requesting approval of an amendment to a commercial mobile radio services interconnection agreement (the "Amendment") came before the Tennessee Regulatory Authority (the "Authority") at the April 30, 2002 Authority Conference. The original commercial mobile radio services interconnection agreement was filed on November 19, 2001 and assigned Docket No. 01-01011. The Authority approved the agreement at the January 23, 2002 Authority Conference. The current Amendment to the agreement was filed on February 7, 2002 and came before the Authority pursuant to 47 U.S.C. § 252.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Amendment and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The Amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The Amendment is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) This is an amendment to the commercial mobile radio services interconnection agreement and is not an agreement between competing carriers.

6) By approving this Amendment, the Authority does not make a determination that the provision of wireless services to both business and residential customers within the BellSouth

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

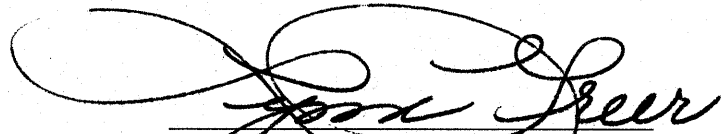
Telecommunications, Inc. service area rises to the level of facilities-based competition under 47 U.S.C. § 271(c)(1)(A).


- 7) No person or entity has sought to intervene in this docket.
- 8) The Amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

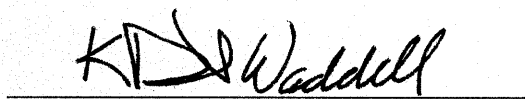
The Amendment to the Commercial Mobile Radio Services Interconnection Agreement negotiated between BellSouth Telecommunications, Inc. and BellSouth Mobility, LLC d/b/a Cingular Wireless BellSouth Personal Communications, LLC d/b/a Cingular Wireless is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary